

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

OP(C).No. 3007 of 2015 (O)

OS.NO.205/2012 OF MUNSIF COURT, PARAPPANANGADI.

PETITIONER/PETITIONER:

- 1. IMBICHI BAVA,
CHARIYAGATH, AGED 73 YEARS,
S/O MUHAMMAD, PANDARA KADAPURAM,
P.O. THAANOOR, PIN:676302.**
- 2. ASSAN KUNHI, S/O KAMMOOTTY BAVA,
PANDARA KADAPURAM,
P.O.THAANOOR, PIN:676302.**

**BY ADVS.SRI.C.VATHSALAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V**

RESPONDENT:

**SUBAIR KUNHEENTE PURAKKAL,
AGED 45 YEARS, S/O CHARIYABAVA,
PANDARAKADAPURAM, THIROOR TALUK,
RAYIRA MANGALAM AMSOM,
THANOOR NAGARAM DESOM,
P.O. THANOOR, PIN:676302.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP(C).No. 3007 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE PLAINT O.S.NO.205/2012 OF THE MUNSIF COURT
PARAPPANANGADI.**

**EXHIBIT P2: TRUE COPY OF THE WRITTEN STATEMENT IN O.S.NO.205/2012 OF THE
MUNSIF COURT PARAPPANANGADI.**

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 10.6.2015 IN
OPC NO.3040/2014.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 30.11.2015 IN
OPC NO.2800/2015.**

**EXHIBIT P5: TRUE COPY OF THE PETITION ALONG WITH ORDER IN I.A.NO.3056 OF
2015 IN OS NO.205/2012 OF MUNSIF COURT, PARAPPANANGADI.**

**EXHIBIT P6: TRUE COPY OF THE PETITION ALONG WITH THE ORDER IN
I.A.NO.3057 OF 2015 IN O.S.NO.205/12 OF MUNSIF COURT,
PARAPPANANGADI.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

K.ABRAHAM MATHEW J.

O.P.(C)No.3007 of 2015

Dated this the 9th day of December, 2015

JUDGMENT

Petitioners are the defendants in O.S.No.205 of 2012 of Munsiff Court, Parappanangadi. After the plaintiffs' evidence was closed and the petitioners' evidence started, the latter filed Ext P5 application to summon an additional witness. This has been dismissed by the trial court by the impugned order. This is challenged.

2. Heard.

3. The trial court dismissed the application for the reason that the purpose for which the witness is sought to be examined is not disclosed. I have perused the witness list and the affidavit filed in support of the application. Nowhere the purpose for which the witness is sought to be examined is disclosed. Such a witness cannot be summoned. The learned Munsiff rightly dismissed the application. No interference is called for.

In the result, this Original Petition is dismissed.

Sd/-

**K.ABRAHAM MATHEW
JUDGE**

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/True copy/

P.S.to Judge